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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,121	12/12/2003	Rajiv K. Mongia	42P18072	1933

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER	
HOFFBERG, ROBERT JOSEPH	

ART UNIT	PAPER NUMBER
2835	

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/735,121	**Applicant(s)** MONGIA ET AL.	
	Examiner Robert J. Hoffberg	**Art Unit** 2835	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

    ..
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

MICHAEL DATSKOVSKIY
PRIMARY EXAMINER

08/21/06

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that that there is no motivation to combine the teachings of Chrysler et al. to Goodson et al. The examiner respectfully disagrees. The primary reference Goodson suggests a plurality of channels and that "[t]he widths, depths and shapes of the channels 220 may also be adjusted to improve device temperature uniformity." (Goodson et el. Col. 15, lines 6-8). Goodson discloses in Fig. 3A a plurality of channels that have different widths (#220-1 near #224-2 and #220-2 near #222-1) and the width of each channel can abruptly change (#220-1 at direction changes). Goodson et al. states at Col. 41, line 43-47 that "various preferred embodiments have been described in detail above, those skilled in the art will readily appreciate that many modifications of the exemplary embodiment are possible without materially departing from the novel teachings and advantages of this invention." Chrysler et al. discloses a channel density configuration that discloses a specific structure that is disclosed by the applicant. The channel density structure of Chrysler et al. is within the ordinary skill at the time of the invention for an arrangement of Goodson's channels.

Applicant argues that Chrysler et al. teaches away from the claimed invention. The examiner disagrees. The applicant claims a device comprising of an integrated circuit. The transitional phrase "comprising" is inclusive or open-ended and does not exclude additional, unrecited elements. MPEP 2111.03. Applicant's claims permit a plurality of integrated circuits as disclosed by Chrysler et al and the claimed device would have the same purpose as Chrysler.

Applicant argues about the age of the Chrysler reference. The examiner respectfully disagrees. "The mere age of the references is not persuasive of the unobviousness of the combination of their teachings, absent evidence that, notwithstanding knowledge of the references, the art tried and failed to solve the problem." In re Wright, 569 F.2d 1124, 1127, 193 USPQ 332, 335 (CCPA 1977)

Applicant argues that Chrysler et al. teach a solution to a "macro" problem of cooling a device is not the same problem the same as the claimed invention. First, as stated above, Chrysler et al. disclosure anticipates the various channel density as claimed by applicant. Second, a change in size, as argue by applicant, is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Applicant argues that the examiner's motivation to combine Tuckerman et al. is in error. The examiner respectfully disagrees. Examiner previously showed that the rationale to combine is within the knowledge of a person of ordinary skill in the art at the time of the invention by citing Lee et al. Even though examiner gave two motivations, and supported one of them, only a single motivation needs to be given and examiner withdraws his alternate motivation. The Lee reference was only cited to rebut applicant's prior arguments that it is not within the knowledge of a person of ordinary skill in the art at the time of the invention that heat reduces the reliability of an electronic device, not for the teachings of Lee's invention. .

MICHAEL DATSKOVSKIY
PRIMARY EXAMINER

08/21/06